

EXHIBIT I

BEFORE THE ILLINOIS COMMERCE COMMISSION OF ILLINOIS

Joyce Edwards,

Petitioner,

vs.

People's Gas.

Respondent

Action No.: 03-0672

PETITIONER'S BRIEF OF EXCEPTIONS TO PROPOSED ORDER TO DISMISS THE
COMPLAINT FOR WANT OF PROSECUTION

NOW COMES the complainant-petitioner, Joyce Edwards Pro Se, and moves the Court to reinstate the complaint and in support thereof states as follows:

1. That on November 3, 2003 petitioner filed a complaint with the Illinois Commerce Commission alleging wrongful termination of gas service and several violations of the Public Utilities Act (220 ILCS 5/). Petitioner's complaint also alleges that People's Gas violated various consumer protection laws as well.¹

2. That the allegations that petitioner failed to appear at hearings on two occasions is false. Petitioner directs the court to the attention of it's own docket and attaches documents "A", indicating Respondent's filing for withdrawal and appointment of counsel which prompted a continuance. That Petitioner was not responsible for the continuance granted Respondent on November 23, 2003.

3. On January 7, 2004, petitioner had not received notice of the re-scheduled hearing and as a result did not appear.

4. As a result of petitioner absence from this hearing, the Commission issued a proposed order to dismiss the complaint for want of prosecution. Petitioner believes that this proposed

¹ Petitioner alleges that People's Gas attached a bill to existing gas service from several years in the past that petitioner did not owe. People's Gas attempted to collect sums that were inflated with fees and interest that was not properly assessed against petitioner. That without proper investigation and while the bill was still in dispute, People's Gas disconnected the service in December 2002, despite current payments her existing account. People's Gas has damaged petitioner's credit rating resulting in various loss opportunities related to petitioner's well being, which damages petitioner desires to prove at the arbitration of this matter.

dismissal was unfair in light of the fact that Respondent's were allowed time to change attorneys and request continuances without adverse action on the part of the Commission.

5. Petitioner had to file a Brief on Exceptions to address the fact that she was desirous and willingly to prosecute her complaint. Accordingly, the case was reopened and set for a status hearing.

6. Although there were several status hearings that were attended and or continued not on the motion of Petitioner, before April 1, 2004 the Commission cites Petitioner's tardiness of twenty minutes to a hearing that was scheduled at 1:00 p.m. The Commission alleges that the tardiness was without "excuse". Petitioner asserts that she was not given an opportunity to explain to the Judge that her lunch hour began at 1:00 p.m. and that she was precluded by employment rules to leave before 1:00 p.m., which resulted in her tardy arrival at the hearing. Petitioner was severely admonished by the Judge without consideration for her status as an employed member of the public, constrained by policies that precluded her prompt arrival at 1:00 p.m. *This despite the fact that both the Judge and respondent's representative were already on their jobs without pressure to attend the hearing on their lunch breaks.*

7. The Commission states in the Proposed Order that the trial date May, 7, 2004, was pursuant to agreement of the parties. This is partially true. As petitioner had propounded discovery to respondent on February 25, 2004 and then supplemental discovery on April 8, 2004. Petitioner by agreement with the Commission was to receive timely responses to the discovery before trial. Respondent was not in full compliance with discovery as of June 18, 2004. To date, Respondent has not answered petitioner's Supplemental Interrogatories.² See attached correspondence B.

8. On or about April 12, 2004, petitioner took employment with a new company. In or about the second week of employment, Petitioner was required to join her team in Philadelphia, PA., to work on a project that had been slated to last for two weeks. Petitioner telephoned respondent's counsel to advise that she was unable to attend what was to be an evidentiary hearing as opposed to trial due to outstanding discovery. Petitioner explained the employment obligation, but respondent protested the continuance. A telephone call to the Judge was necessary on the day of the hearing to obtain a continuance until June 18, 2004. The Judge advised respondent to comply with discovery before June 18, 2004, which he did not.

9. Petitioner's employment project had gone beyond any two week period and she was required to finish the project through the month of June. Although petitioner worked diligently to complete the project and return to Chicago before June 18, 2004, the project lingered into the third week of the month. When Petitioner telephoned Respondent to attempt to continue the hearing, he refused, despite the fact he could cite no prejudice from a short continuance.

² Petitioner wrote a letter to Respondent advising that the answers to her Request to Produce and Interrogatories were insufficient. Respondent promised in a subsequent telephone conversation to Petitioner that he would cure the deficiencies in his responses. Petitioner propounded supplemental discovery pursuant to the discovery scheduled set by the Judge. Petitioner has never received a response to Supplemental discovery.

10. Petitioner's prejudice was in stark contrast with respondent. She was forced to argue with the Judge that a short continuance based on the fact that she and her two dependents needed her current employment would not prejudice Respondent. The Judge was very upset regarding the time period that Respondent was contacted to request an agreement to continue the proceeding. She was not aware of telephone conversations and letters attempting to advise respondent and agree on dates to proceed. The Judge refused to continue the matter and discontinued the telephone conference.

11. Therefore, on June 18, 2004, the Commission went forward with a trial knowing that Petitioner was not in the City and unable to attend, dismissing the complaint.

12. That Petitioner is desirous of prosecuting her complaint against People's Gas and proving her damages through the Commerce Commission. That her absence from the June 18th proceedings was not in her control and not in any way as a result of want of prosecution. That abandoning her employment would have resulted in further damage to petitioner's financial well being. She has waited for an Order from the June 18th proceedings until August 5, 2004 to file her request to this Honorable Court to reinstate the complaint and have her day before the Commission.

12. Wherefore, Petitioner request that this Honorable Court reinstate the complaint and set the matter for final status before trial. Or, in the alternative pursuant to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Admin. Code Section 200.880, petitioner request a rehearing based upon the forgoing.

Respectfully submitted,

Joyce Edwards,
Petitioner non attorney

Attachment A

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

JOYCE EDWARDS,
Complainant,

v.

THE PEOPLES GAS LIGHT AND COKE COMPANY,
Respondent.

ICC # 03-0672

NOTICE OF FILING

To: Joyce Edwards

620 E. Groveland Park, 1st Fl.
Chicago, IL 60616

Admin. Law Judge Claudia Sainsot
Illinois Commerce Commission
160 North LaSalle Street, Ste. C-800
Chicago, Illinois 60601-3104

PLEASE TAKE NOTICE that on this date Respondent in the above-captioned case sent by U.S. mail for filing with the Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois 62701, Respondent's Notice of Withdrawal.

DATED: November 24, 2003

THE PEOPLES GAS LIGHT
AND COKE COMPANY

By: B. J. McCarthy
Brian J. McCarthy, one of its attorneys

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Respondent's Notice of Withdrawal on Complainant and the Administrative Law Judge by causing a copy to be placed in the U.S. mail, properly addressed and postage prepaid on November 24, 2003.

Respectfully Submitted,

B. J. McCarthy
Brian J. McCarthy

Brian J. McCarthy
Attorney for
The Peoples Gas Light and Coke Company
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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

JOYCE EDWARDS,
Complainant,

v.

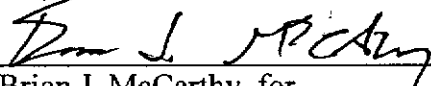
THE PEOPLES GAS LIGHT AND COKE COMPANY,
Respondent.

ICC # 03-0672

NOTICE OF WITHDRAWAL

I hereby withdraw as an attorney for Respondent.

Respectfully submitted,

By: 
Brian J. McCarthy, for
The Peoples Gas Light and Coke Company

Brian J. McCarthy
Attorney for
The Peoples Gas Light and Coke Company
McGuireWoods, LLP
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Attachment B

Ms. Joyce Edwards
623 East Groveland Park 1st fl.
Chicago Illinois 60616
312 842-4613

May 2, 2004

Brent J. Beattie, Esq.
McGuire Woods, LLP
77 W Wacker Dr. Ste. 4400
Chicago, IL. 60601

Re: People Gas 03-0672

Dear Mr. Beattie:

Please find attached to this letter, my response to People's Gas request for Documents. I would like to remind you that I have not received a response to (1). Complainant's supplemental request for documents related to your answers to the original discovery request. Recall during our telephone conversation following the last hearing, we discussed and we agreed upon a cure for the insufficiencies in your original response, wherein you agreed to supplement your answers. Secondly, on or about April 8, 2004, I tendered a set of interrogatories to you for which I have not received People's Gas response.

I am going to contact Judge Sainsot to request that the hearing scheduled for Friday, May 7, 2004, be rescheduled until you have complied with the outstanding discovery in this case, and I have had ample time to review it. As I indicated to you by telephone this past weekend, I will be returning to Chicago from a business matter on Friday, May 7th. Due to the fact that I was not able to get reservations for earlier flights, I am not confident that I can make the hearing timely. Therefore, I am also requesting a continued hearing date for this reason. During our telephone conversation related to this matter, you indicated that your schedule would permit you to reschedule the hearing for any day during the week of May 17th. I can agree with that time schedule as well, so I will ask Judge Sainsot to assign a date accordingly.

If you need to reach me during the week of May 3 through Friday, May 7th, please call my cell phone at 312 437-4244. Thank you for your cooperation in advance.

Sincerely,

Joyce Edwards